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### Via Electronic Case Filing System

January 4, 2023

Hon. Loretta A. Preska  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Smart Agunbiade*, 21 Cr. 609 (LAP)**

Dear Judge Preska:

I write on behalf of my client, Smart Agunbiade, with consent of the government, to seek the Court's leave to file a pretrial motion specific to Mr. Agunbiade after the current schedule of January 6, 2023, if present plea discussions are unsuccessful. That motion, if filed, would address the seizure of \$10,000 in cash from Mr. Agunbiade's residence on the date of his arrest. The parties remain in ongoing discussions about a potential resolution of this case which, if successful, will moot the need to file that motion and conserve the resources of the parties and court.

The Court originally set a deadline of August 1, 2022 for the filing of pre-trial motions. See Minute Entry dated June 2, 2022. We have requested, and the Court has granted, four prior requests for adjournment of the deadline with respect to the potential motion referenced above, most recently until January 6, 2023. See Dkt. Nos. 156, 162, 178, 194. Since our last request, the parties have continued to diligently work toward a potential resolution of this case, including setting time confer this week to further discuss a potential plea. Accordingly, we propose to file any motion challenging the seizure, if plea negotiations fail, on or before January 20, 2023. As noted, the government does not oppose this request.

SO ORDERED

*Loretta A. Preska*  
LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE

1/5/23

Respectfully submitted,

s/ Arlo Devlin-Brown  
Arlo Devlin-Brown